


NOV 01 2007

## CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being faxed to Office of  
Petitions at (571) 273-8300 of the U.S.P.T.O on November 1, 2007.

  
Carrie L. RoseIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Title : MOORING APARATUS  
U.S. Serial No. : 10/662,490  
Filing Date : September 15, 2003 Confirmation No. 9216  
Applicant : Jacob de Baan  
Art Unit : 3617  
Examiner : VASUDEVA, AJAY  
  
Docket No.: : BLUE.65449  
Customer No. : 27629

Office of Petitions  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PETITION TO WITHDRAW HOLDING  
OF ABANDONMENT

Dear Sir:

On August 24, 2007, Applicant filed a Petition to Withdraw Holding of  
Abandonment in response to the Notice of Abandonment mailed on August 21, 2007.

The Application was held abandoned for Applicant's alleged failure to timely file a  
response to the Office Action mailed on January 29, 2007. Since the end of the three  
months shortened statutory time period, April 29, 2007, fell on a Sunday, the response  
period was extended to Monday, April 30, 2007.

In support of its Petition, Applicant submitted a copy of the Amendment filed with a Certificate of Mailing showing the Amendment was mailed on April 26, 2007, which date was within the shortened statutory time period. Applicant also submitted a copy of the self-addressed postcard showing that Applicant's Amendment was received by the USPTO on April 30, 2007, which date was also within the shortened statutory time period.

In dismissing the Petition, the Office of Petitions acknowledged Applicant's submission of both the Amendment and the postcard showing a receipt by the Office on April 30, 2007. However, the Office of Petitions contends that Applicant had failed to establish the date of the mailing of the Amendment and therefore it cannot be determined whether or not the Amendment was timely filed or if an extension of time and fee is required. Accordingly, the Office has requested a statement from Ms. Cueto attesting on personal knowledge that the Amendment was timely mailed.

Since the expiration of the shortened response period was April 30, 2007 and Applicant submitted a self-addressed postcard showing receipt by the Office on April 30, 2007, Applicant respectfully submits that it has already submitted evidence of a timely mailing of the Amendment. Indeed, Applicant has submitted evidence of timely receipt of the Amendment which could only have occurred if Applicant's Amendment was timely mailed.

The Office's request for a statement under 37 CFR §1.8(b)(3) is misplaced since that section applies to establishing the timely mailing of Amendments which were not received by the Office. In this case the evidence submitted by the Application establishes

that the Amendment was actually timely received by the Office and then subsequently lost by the Office.

Nonetheless, in order to avoid further delay in connection with the application, Applicant hereby submits the Statement of Ms. Cueto regarding the timely mailing of the Amendment.

It is believed that no fees are due in connection with this request. However, if any fees are due, the Commissioner is authorized to charge any such fees to Deposit Account No. No. 21-0800.

Date: November 1, 2007

Respectfully submitted,

FULWIDER PATTON LLP



Gary M. Anderson  
Registration No. 30,729

GMA:cr  
200 Oceangate, Suite 1550  
Long Beach, CA 90802  
Telephone: (562) 432-0453  
Facsimile: (562) 435-6014  
Customer No. 27629  
49761.1

**STATEMENT OF PERSONAL KNOWLEDGE BY SUSAN CUETO**

I Susan Cueto attest on a personal knowledge basis that on April 26, 2007 I enclosed the document(s), Amendment, in response to the January 29, 2007 Office Action in a sealed envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450 and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Fulwider Patton's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

  
\_\_\_\_\_  
Susan Cueto

49777.1

10-31-07  
Date

49777.1